CAP FOR CABLE CONDUIT

SN:

10/736,278

Attorney Docket No.2515.001

Examiner: Jinhee J. Lee

Art Unit: 2831

REMARKS

Applicant's attorney appreciates the time and courtesy that was extended by Examiner Lee during a telephone interview of April 21, 2005. The interview focused on the probe structure that is positioned between the passageways on the upper portion of the conduit cable cap. Probe 22 that is positioned between a plurality of passageways 16 is not shown or suggested by the prior art of record.

Claims 1 - 4, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Weagant*, U.S. Patent No. 3,395,382. Claims 5, 6, 8, 10 and 11 stand rejected under 35 U.S.C. § 103(a) over *Weagant* in view of *Williams*, U.S. Patent No. 6,291,774. While it is believed that at least some of Claims 1 through 11 are allowable over the prior art of record, in view of the interview with Examiner Lee, Claims 1 through 11 are canceled, and Claims 12 through 21 are added hereby.

Claim 12 is directed to a cap for a cable conduit having a body. The body has a plurality of spaced apart passageways in an upper portion thereof, and an aperture formed through each of the passageways into which a cable is received. Referring to the drawing figures, the body or cap 10 has passageways 16, in which an aperture 18 is formed. Cable 6 is received within the aperture.

Claim 12 also requires a probe that extends upwardly from the body. The probe is positioned between the plurality of spaced apart passageways. The probe is required to extend above the plurality of spaced apart passageways. The probe is represented by

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reference number 22. As can be seen in Figure 1, the probe is between the passageways

16, and extends above the passageways.

Weagant shows a cap having a plurality of passageways 22. However, Weagant

does not teach a probe that extends upwardly from the body. Weagant does not teach a

probe that is positioned between the plurality of passageways. Weagant does not teach a

probe that extends above the spaced apart passageways.

Williams was previously cited as teaching a probe in Figure 10 thereof. However,

neither Williams nor Weagant teach a probe that is positioned between the plurality of spaced

apart passageways. Williams is directed to a cover for an electrical power distribution device;

in other words, Williams would completely cover the cap of the present invention in order to

deter animals from perching on the cap. Weagant does not teach the use of an animal

retardant structure. Accordingly, there is no suggestion or motivation found in Williams or

Weagant to combine these devices to arrive at the invention of Claim 12. Claim 12 requires

a probe that is positioned between the plurality of spaced apart passageways, with the probe

extending above the plurality of spaced apart passageways. Williams teaches away from this

invention of Claim 12, by completely covering the electrical power distribution device.

Claim 13 requires an aperture that is formed between the plurality of spaced apart

passageways. A lower portion of the probe is positioned within the aperture. The aperture is

shown by reference number 20 in the drawing figures. See Figures 3 and 4. This structure

is neither taught nor suggested by Williams or Weagant.

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Claim 14 requires that the probe have a pointed upper end, and Claim 15 requires that

the probe have an inverted cone shaped upper end. The pointed, or inverted cone shaped,

upper end prevents animals, such as squirrels, from sitting on the cap and harming the

cables.

Claims 16 through 18 are directed to vent structures for the cap. It is frequently

desired for the cap to be vented. Claim 16 requires a probe that has a vent therein that

communicates with an interior of the body. Weagant does not teach a probe having vents.

The cover of Williams shows grooves 72 (column 8, line 60), but the grooves are not

described as vents for the cover. Williams does not teach a vented probe that

communicates with an interior of the cap body, keeping in mind that Williams teaches a

complete cover for an electrical transmission device, and does not teach a cap for receiving

cables that incorporates an animal retarding structure..

Claim 17 requires a vented probe, and further requires that the vent extend through an

interior of the probe, and communicate with an interior of the body. See Specification at page

5, line 22, through page 6, line 2. Claim 18 further defines this structure.

Claim 19 requires that the vent is on the side of the probe. Figure 6.

Claim 20 requires that the probe comprise a wing that extends from a generally

vertical side of the probe. The structure is shown in Figure 6 and Figure 7. The wing further

prevents an animal from perching on the passageways.

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Claim 21 requires that the body have an inverted frusto-conical shape. This inverted

frusto-conical shape works with the probe to prevent an animal from perching between the

passageways. The frusto-conical shape prevents the sides of the cap from having a flat

surface upon which the animal can stand or grip. The probe prevents the animal from having

a flat surface between the passageways upon which to perch.

New drawings are enclosed herewith. It is believed that the comments set forth in the

Office Action regarding the claims have been obviated by the amendments to the claims.

Drawing Figure 6a has been added hereto to show the interior of the vented probe that is

shown in Figure 6.

As requested by the Office Action, the Specification is amended to add the brief

description of drawing Figures 6 and 7, and the brief description for drawing Figure 6a,

which is added hereby.

The Specification has been amended to use the word "aperture" rather than the words

"void" or "opening." This change was suggested by the Examiner during the telephone

interview.

It is respectfully submitted that the claim informalities as set forth in the Office Action

are obviated by the claims amendments. It is also believed that the claim rejections under 35

U.S.C. § 112, second paragraph, have been obviated by the claims amendments.

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It is respectfully submitted that claims 12 through 21 are in condition for allowance.

Review and allowance at the earliest possible date is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Response To Office Action Dated January 26, 2005, New Drawings, and Postcard are being deposited with the United States Postal Service with sufficient postage for first class mail affixed thereon, addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this 26th day of April 2005.

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